

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 3:18-cr-00125-TMB-KFR

JASON DOUGLAS BLACK,

Defendant.

FINAL REPORT AND RECOMMENDATION UPON AN ADMISSION

Upon Defendant's request to enter an admission, pursuant to Federal Rule of Criminal Procedure 32.1 and 18 U.S.C. § 3583, to Allegation One of the Petition, [Doc. 174], charging the following violation:

1. Allegation One: Defendant violated to the condition of his supervised release directing that he “shall have no contact, either directly or indirectly, with the victim of this case or members of the victim’s family,” in that on January 25, 2023, Defendant was found to be having direct contact with the victim at his residence in Noorvik, Alaska,

this matter came before the Magistrate Judge, with the verbal consents of Defendant, counsel for Defendant, and counsel for the United States.

The matter came before this Court for a hearing on Defendant's admission, in open court and on the record.

In consideration of that hearing and the colloquy made by Defendant under oath, on the record, in the presence of counsel, and the remarks of the Assistant United States Attorney,

A. I make the following FINDINGS – that Defendant understands:

- ☒ That any false statements made by Defendant under oath may later be used against him in a prosecution for perjury;

- 1 The right to deny the allegations;
- 2 The nature of the allegations against Defendant;
- 3 The maximum possible sentence, including imprisonment, any
4 mandatory sentence of imprisonment, that supervision may follow a
5 term of imprisonment, and the applicable sentencing guideline range;
- 6 The right to a revocation hearing;
- 7 The right to be represented by counsel and, if necessary, to have the
8 court appoint counsel at trial, and at every other stage of the
9 proceedings;
- 10 The right to: confront and cross-examine adverse witnesses, to remain
11 silent, to testify and present evidence, and to compel the attendance of
12 witnesses;
- 13 That an admission operates as a waiver of hearing rights;
- 14 That Defendant knowingly, intelligently, and voluntarily waives all right
15 to appeal or collaterally attack (except on the grounds of ineffective
16 assistance of counsel and the voluntariness of his admissions); and
- 17 That in determining a sentence, the court's obligation to calculate the
18 applicable sentencing guideline range pursuant to the Sentencing
19 Guidelines promulgated by the United States Sentencing Commission
20 and to consider that range, as well as departures under the Sentencing
21 Guidelines, and variances under 18 U.S.C. §3583(e).

22 **B. I further FIND:**

- 23 1. Defendant is competent to enter an informed admission;
- 24 2. Defendant is aware of his rights and has had the advice of legal counsel;
- 25 3. That the admission by Defendant has been knowingly and voluntarily
26 made and is not the result of force, threats, or coercion;
- 27 4. There is no agreement between the parties in this open admission; and
- 28 5. That there is a factual basis for Defendant's admission.

1 **B. I RECOMMEND:**

2 That the District Court accept Defendant's admission to Allegation One
3 of the Petition.

4 **D. IT IS ORDERED:**

5 The Disposition Hearing will be held before a United States District Judge.

6 The parties jointly request a Disposition Hearing before a United States District
7 Judge the earliest available date.

8 DATED this 21st of February 2023, at Anchorage, Alaska.

9
10 S/ Kyle F. Reardon
11 KYLE F. REARDON
12 United States Magistrate Judge
13 District of Alaska

14 This Report and Recommendation is being issued as a Final Report and
15 Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be
16 considered by the District Court Judge who will accept, reject, or modify the
17 recommendation following de novo review. Any objections must be filed within
18 seven (7) days from the date of service of this Report and Recommendation. The
19 shortened objection deadline is due to the request of the District Court Judge. Fed.
20 R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court to alter the standard
21 objection deadlines.

22 Reports and recommendations are not appealable orders. Any notice of appeal
23 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
24 Court's judgment.¹

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28 ¹ See *Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).